

IN RE: PETITION FOR SPECIAL HEARING  
NE/S Patterson Road, 1480' SE  
of Sweet Air Road (Parcel 1);  
NW/S Patterson Road, 1645' SE  
of Sweet Air Road (Parcel 2)  
(5330 Patterson Road)  
11th Election District  
6th Councilmanic District

Mark Scarff, Personal Repr.  
Estate of William Glenn Scarff - Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 94-77-SPH

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the owner of the property, the Estate of William Glenn Scarff, by Mark Scarff, Personal Representative, through his attorney, Keith R. Truffer, Esquire. The Petitioners request a special hearing to establish two 1.00-acre parcels, identified as Parcels 1 and 2 on Petitioner's Exhibit 1, the plan submitted to accompany the Petition filed, as valid building lots under the Baltimore County Zoning Regulations (B.C.Z.R.).

Appearing on behalf of the Petition were Glenn Mark and Judith Ann Scarff, Thomas R. and Maryland G. Reier, and Steven H. Gudeman. The Petitioner was represented by Keith R. Truffer, Esquire. Carol Treia, a nearby resident, appeared and testified as a Protestant in the matter.

Testimony indicated that the subject property, known as 5330 Patterson Road, is comprised of four parcels containing a combined area of 3.68 acres, more or less, zoned R.C. 2 and is improved with a two-story dwelling and detached garage. The Petition was filed to establish that two of the parcels, namely Parcels 1 and 2 as identified on Petitioner's Exhibit 1, are valid building lots. Mark Scarff testified that his father purchased the parcel on which the dwelling exists from his grandfather. Testimony indicated that the dwelling was built in 1950 and that he resided

ed there from 1950 until 1967. Mr. Scarff testified that in 1952, his father purchased two adjoining parcels of land, identified herein as Parcels 1 and 2, which have remained unimproved. In 1984, the Petitioner's father acquired the fourth parcel to the east of the family home, which is also unimproved. The Petitioner testified that when Parcels 1 and 2 were created in 1952, the Zoning regulations permitted 1-acre parcels as buildable lots and Parcels 1 and 2 had the right to construct a dwelling thereon. The Petitioner filed the instant Petition to insure the right to construct a dwelling on both Parcels 1 and 2 continues to exist. Further testimony revealed that Thomas and Maryland Reier are desirous of purchasing Parcel 2 and the adjoining parcel containing 0.922 acres should this special hearing be granted.

Ms. Carol Treia appeared and testified in opposition to the Petitioner's request. Ms. Treia was concerned about additional homes being built along Patterson Road. She is especially concerned, given the small size of Parcels 1 and 2 when compared to other lots in the surrounding locale. Ms. Treia stated, however, that she would not be opposed to the granting of the relief sought if the Petitioner was, in fact, entitled to build on both of the lots in question.

After due consideration of the testimony and evidence presented, it appears the relief requested in the special hearing should be granted. It is clear that both Parcels 1 and 2 enjoyed the right to have a dwelling constructed thereon when those parcels were created in 1952. No change has been made to either parcel over the past 41 years in that both parcels have remained unimproved. I find that Parcels 1 and 2 are valid building lots, pursuant to the B.C.Z.R. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use

of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 19th day of October, 1993 that the Petition for Special Hearing to establish two 1.00-acre parcels, identified as Parcels 1 and 2 on Petitioner's Exhibit 1, as valid building lots under the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

*Timothy M. Rytrowski*  
TIMOTHY M. RYTROWSKI  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

Baltimore County Commission  
Zoning Commissioner  
Office of Planning and Zoning  
Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

Keith R. Truffer, Esquire  
102 W. Pennsylvania Avenue  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING  
NE/S Patterson Road, 1480' SE and 1645' SE of Sweet Air Road  
(5330 Patterson Road - Parcels 1 and 2)  
11th Election District - 6th Councilmanic District  
Estate of William Glenn Scarff - Petitioners  
Case No. 94-77-SPH

Dear Mr. Truffer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached order.

In the event any party files the decision rendered in the above-captioned matter, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 897-1991.

*Timothy M. Rytrowski*  
TIMOTHY M. RYTROWSKI  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Ms. Carol Treia  
5433 Patterson Road, Baldwin, Md. 21013

People's Council

File

## Petition for Special Hearing to the Zoning Commissioner of Baltimore County for the property located at 5330 Patterson Road, Baltimore County which is presently zoned RC-2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 507.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve establish two 1-acre parcels identified as "Parcel 1" and "Parcel 2" on the attached plat as valid building lots under Baltimore County Zoning Regulations.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and I, or we, agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor  
Type of Petition Name  
Signature  
Address  
City  
State  
Zip Code

Aspet for Petitioner  
Keith R. Truffer, Esq.  
Type of Petition Name  
Signature  
Address  
City  
State  
Zip Code

Legal Owner:  
Mark Scarff, P.R. of the Estate of William Glenn Scarff  
Type of Petition Name  
Signature  
Address  
City  
State  
Zip Code

3329 Maple Grove Road  
Manchester, Maryland 21102  
City  
State  
Zip Code  
Name, Address and phone number of legal owner. CONTACT PURCHASER or REPRESENTATIVE to be contacted  
Keith R. Truffer, Esq.  
102 W. Pennsylvania Avenue (410) 823-1800  
Towson, MD 21204  
City  
State  
Zip Code

ESTIMATED LENGTH OF HEARING  
unavailable for Hearing  
the following date  
ALL OTHER  
REVIEWED BY: R.T. ON: 9-17-93  
117-1 # 73

GERHOLD, CROSS & ETZEL  
Registered Professional Land Surveyors  
SUITE 100  
320 EAST TOWSONTOWN BOULEVARD  
TOWSON, MARYLAND 21286-5318  
410-823-4470  
FAX 410-823-4473

94-77-SPH

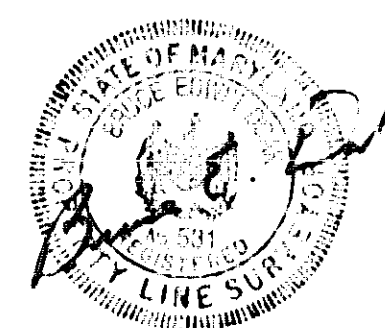
July 19, 1993

#### ZONING DESCRIPTION OF 1.0 ACRE PARCEL OF LAND LOCATED IN THE ELEVENTH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning at a point in the centerline of Patterson Road which is 30 feet wide at a distance of 1480 feet, more or less, Southerly from the southerly side of Sweet Air Road, thence leaving said Patterson Road the following four (4) courses and distances, viz: North 69 degrees 45 minutes East 33.90 feet, North 69 degrees 45 minutes East 166.50 feet, North 26 degrees 25 minutes West 218.64 feet and South 69 degrees 45 minutes West 200.40 feet to the centerline of Patterson Road, thence along the centerline, South 26 degrees 25 minutes East 218.64 feet to the point of beginning.

Containing 1.0 Acre of land, more or less.

Being Parcel 1 of Liber G.L.B. 2205 folio 453.



ITEM # 73

GERHOLD, CROSS & ETZEL  
Registered Professional Land Surveyors  
SUITE 100  
320 EAST TOWSONTOWN BOULEVARD  
TOWSON, MARYLAND 21286-5318  
410-823-4470  
FAX 410-823-4473

94-77-SPH

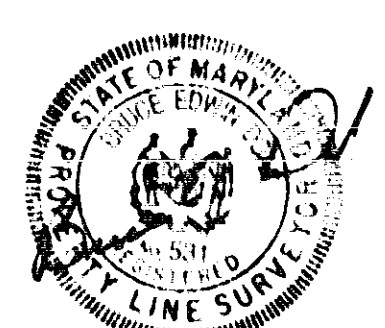
July 19, 1993

#### ZONING DESCRIPTION OF 1.0 ACRE PARCEL OF LAND LOCATED IN THE ELEVENTH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning at a point in the centerline of Patterson Road which is 30 feet wide at a distance of 1645 feet, more or less, Southerly from the southerly side of Sweet Air Road, thence leaving said Patterson Road the following three (3) courses and distances, viz: North 69 degrees 45 minutes East 200.40 feet, South 26 degrees 25 minutes East 218.64 feet and South 69 degrees 45 minutes West 200.40 feet to the centerline of Patterson Road, thence along the centerline, North 26 degrees 25 minutes West 218.64 feet to the point of beginning.

Containing 1.0 Acre of land, more or less.

Being Parcel 2 of Liber G.L.B. 2205 folio 453.



ITEM # 73

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 11th Date of Posting: 9-2-93  
Posted for: Special Hearing  
Petitioner: Mark Scarff, P.R. of the Estate of William Glenn Scarff  
Location of property: 5330 Patterson Rd, Baltimore, MD  
Location of Signs: Along Patterson Road, from Parcel 1 to Parcel 2  
Remarks:  
Posted by: [Signature] Date of return: 9-2-93  
Number of Signs: 4

#### CERTIFICATE OF PUBLICATION

TOWSON, MD. Sept. 2, 1993  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept. 2, 1993

THE JEFFERSONIAN,  
LEGAL AD. - TOWSON  
HARRIS

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described herein at 11:00 a.m. of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 116 of the Courthouse, 400 Washington Avenue, Towson, Maryland 21204, on September 2, 1993, at 10:00 a.m.  
Case Number: 94-77-SPH  
From: 102 W. Pennsylvania Avenue, Towson, MD 21204  
Parcel #1: NE 1/4 of Section 11, T11N, R11E, of the 1st Meridian  
Parcel #2: NW 1/4 of Section 11, T11N, R11E, of the 1st Meridian  
Parcel #3: SE 1/4 of Section 11, T11N, R11E, of the 1st Meridian  
Parcel #4: SW 1/4 of Section 11, T11N, R11E, of the 1st Meridian  
Parcel #5: NE 1/4 of Section 12, T11N, R11E, of the 1st Meridian  
Parcel #6: NW 1/4 of Section 12, T11N, R11E, of the 1st Meridian  
Parcel #7: SE 1/4 of Section 12, T11N, R11E, of the 1st Meridian  
Parcel #8: SW 1/4 of Section 12, T11N, R11E, of the 1st Meridian  
Parcel #9: NE 1/4 of Section 13, T11N, R11E, of the 1st Meridian  
Parcel #10: NW 1/4 of Section 13, T11N, R11E, of the 1st Meridian  
Parcel #11: SE 1/4 of Section 13, T11N, R11E, of the 1st Meridian  
Parcel #12: SW 1/4 of Section 13, T11N, R11E, of the 1st Meridian  
Parcel #13: NE 1/4 of Section 14, T11N, R11E, of the 1st Meridian  
Parcel #14: NW 1/4 of Section 14, T11N, R11E, of the 1st Meridian  
Parcel #15: SE 1/4 of Section 14, T11N, R11E, of the 1st Meridian  
Parcel #16: SW 1/4 of Section 14, T11N, R11E, of the 1st Meridian  
Parcel #17: NE 1/4 of Section 15, T11N, R11E, of the 1st Meridian  
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Parcel #20: SW 1/4 of Section 15, T11N, R11E, of the 1st Meridian  
Parcel #21: NE 1/4 of Section 16, T11N, R11E, of the 1st Meridian  
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Parcel #167: SE 1/4 of Section 52, T11N, R11E, of the 1st Meridian  
Parcel #168: SW 1/4 of Section 52, T11N, R11E, of the 1st Meridian  
Parcel #169: NE 1/4 of Section 53, T11N, R11E, of the 1st Meridian  
Parcel #170: NW 1/4 of Section 53, T11N, R11E, of the 1st Meridian  
Parcel #171: SE 1/4 of Section 53, T11N, R11E, of the 1st Meridian  
Parcel #172: SW 1/4 of Section 53, T11N, R11E, of the 1st Meridian  
Parcel #173: NE 1/4 of Section 54, T11N, R11E, of the 1st Meridian  
Parcel #174: NW 1/4 of Section 54, T11N, R11E, of the 1st Meridian  
Parcel #175: SE 1/4 of Section 54, T11N, R11E, of the 1st Meridian  
Parcel #176: SW 1/4 of Section 54, T11N, R11E, of the 1st Meridian  
Parcel #177: NE 1/4 of Section 55, T11N, R11E, of the 1st Meridian  
Parcel #178: NW 1/4 of Section 55, T11N, R11E, of the 1st Meridian  
Parcel #179: SE 1/4 of Section 55, T11N, R11E, of the 1st Meridian  
Parcel #180: SW 1/4 of Section 55, T11N, R11E, of the 1st Meridian  
Parcel #181: NE 1/4 of Section 56, T11N, R11E, of the 1st Meridian  
Parcel #182: NW 1/4 of Section 56, T11N, R11E, of the 1st Meridian  
Parcel #183: SE 1/4 of Section 56, T11N, R11E, of the 1st Meridian  
Parcel #184: SW 1/4 of Section 56, T11N, R11E, of the 1st Meridian  
Parcel #185: NE 1/4 of Section 57, T11N, R11E, of the 1st Meridian  
Parcel #186: NW 1/4 of Section 57, T11N, R11E, of the 1st Meridian  
Parcel #187: SE 1/4 of Section 57, T11N, R11E, of the 1st Meridian  
Parcel #188: SW 1/4 of Section 57, T11N, R11E, of the 1st Meridian  
Parcel #189: NE 1/4 of Section 58, T11N, R11E, of the 1st Meridian  
Parcel #190: NW 1/4 of Section 58, T11N, R11E, of the 1st Meridian  
Parcel #191: SE 1/4 of Section 58, T11N, R11E, of the 1st Meridian  
Parcel #192: SW 1/4 of Section 58, T11N, R11E, of the 1st Meridian  
Parcel #193: NE 1/4 of Section 59, T11N, R11E, of the 1st Meridian  
Parcel #194: NW 1/4 of Section 59, T11N, R11E, of the 1st Meridian  
Parcel #195: SE 1/4 of Section 59, T11N, R11E, of the 1st Meridian  
Parcel #196: SW 1/4 of Section 59, T11N, R11E, of the 1st Meridian  
Parcel #197: NE 1/4 of Section 60, T11N, R11E, of the 1st Meridian  
Parcel #198: NW 1/4 of Section 60, T11N, R11E, of the 1st Meridian  
Parcel #199: SE 1/4 of Section 60, T11N, R11E, of the 1st Meridian  
Parcel #200: SW 1/4 of Section 60, T11N, R11E, of the 1st Meridian  
Parcel #201: NE 1/4 of Section 61, T11N, R11E, of the 1st Meridian  
Parcel #202: NW 1/4 of Section 61, T11N, R11E, of the 1st Meridian  
Parcel #203: SE 1/4 of Section 61, T11N, R11E, of the 1st Meridian  
Parcel #204: SW 1/4 of Section 61, T11N, R11E, of the 1st Meridian  
Parcel #205: NE 1/4 of Section 62, T11N, R11E, of the 1st Meridian  
Parcel #206: NW 1/4 of Section 62, T11N, R11E, of the 1st Meridian  
Parcel #207: SE 1/4 of Section



**Baltimore County  
Zoning Administration &  
Development Management**  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Date: 8-17-93 114-77-SPH

MARK SCARFF  
5330 PATTERSON RD

030 - SPECIAL HEARING - \$150.00  
030 - SIGN - \$135.00  
TOTAL - \$285.00

01A0140122MICR  
PA 001024A08-17-93

Please Make Checks Payable To: Baltimore County

Cashier Validation

TO: PETERBURY PUBLISHING COMPANY  
September 2, 1993 Issue - Jeffersonian

Please forward billing to:  
Keith Truffer, Esq.  
102 W. Pennsylvania Avenue #600  
Towson, Maryland 21204  
410-823-1800

**COPY**

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-77-SPH (Item 73)  
5330 Patterson Road  
Parcel #1 - NE/4 Patterson Road, 1480 +/- SE of c/l Sweet Air Road  
Parcel #2 - NE/4 Patterson Road, 1465 +/- SE of c/l Sweet Air Road  
11th Election District - 6th Councilmanic  
Petitioner(s): Mark Scarff, PR Estate of William Glen Scarff  
HEARING: WEDNESDAY, OCTOBER 6, 1993 at 9:00 a.m. in Rm. 106, County Office Building.

Special Hearing to establish two 1-acre parcels identified as "Parcel 1" and "Parcel 2" as valid building lots.

LAWRENCE E. SCHULTZ  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

**Baltimore County Government  
Office of Zoning Administration  
and Development Management**

111 West Chesapeake Avenue  
Towson, MD 21204

August 27, 1993

(410) 887-3353

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-77-SPH (Item 73)  
5330 Patterson Road  
Parcel #1 - NE/4 Patterson Road, 1480 +/- SE of c/l Sweet Air Road  
Parcel #2 - NE/4 Patterson Road, 1465 +/- SE of c/l Sweet Air Road  
11th Election District - 6th Councilmanic  
Petitioner(s): Mark Scarff, PR Estate of William Glen Scarff  
HEARING: WEDNESDAY, OCTOBER 6, 1993 at 9:00 a.m. in Rm. 106, County Office Building.

Special Hearing to establish two 1-acre parcels identified as "Parcel 1" and "Parcel 2" as valid building lots.

*Arnold Jablon*

Arnold Jablon  
Director

cc: Mark Scarff  
Keith R. Truffer, Esq.

NOTES: (1) ZONING SIGN A POST MUST BE RETURNED TO RM. 106, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

**Baltimore County Government  
Office of Zoning Administration  
and Development Management**

111 West Chesapeake Avenue  
Towson, MD 21204

September 27, 1993

(410) 887-3353

Keith R. Truffer, Esquire  
102 W. Pennsylvania Avenue  
Towson, Maryland 21204

RE: Case No. 94-77-SPH, Item No. 73  
Petitioner: Mark Scarff, PR Estate of William Glen Scarff.  
Petition for Special Hearing.

Dear Mr. Truffer:

The Zoning Plans Advisory Committee (ZPAC) has reviewed the plan submitted with the above referenced petition. The advisory committee, from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties, local zoning commissioners, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZPAC that offer or request information on your petition. If additional comments are received from other members of ZPAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 17, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petition filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

**Maryland Department of Transportation  
State Highway Administration**

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

8-26-93

Re: Baltimore County  
Item No. 473 (RT)

Ms. Helene Kehring  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
*Bob Small*  
for John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is \_\_\_\_\_  
Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

**BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: August 30, 1993

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):  
Item Nos. 62, 71, 72, 73, 74, 76, 77, 78, 81, 82, 84, 86, 87 and 88.  
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey W. Long*  
Division Chief: *Pat Keller*

PK/JL:lw

ZAC.62/PZONE/ZAC1

**BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE**

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management

September 13, 1993

FROM: J. Lawrence Pilsbury  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #73 - Scarff Property  
5330 Patterson Road  
Zoning Advisory Committee Meeting of August 30, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of the property must comply with the Forest Conservation Act and with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Prior to the subdivision of land, soil percolation tests must be completed demonstrating the suitability of each lot to support a septic system.

JLP:sp  
SCARFF/DEPRM/TXTSP

**Baltimore County Government  
Office of Zoning Administration  
and Development Management**

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

**NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.**

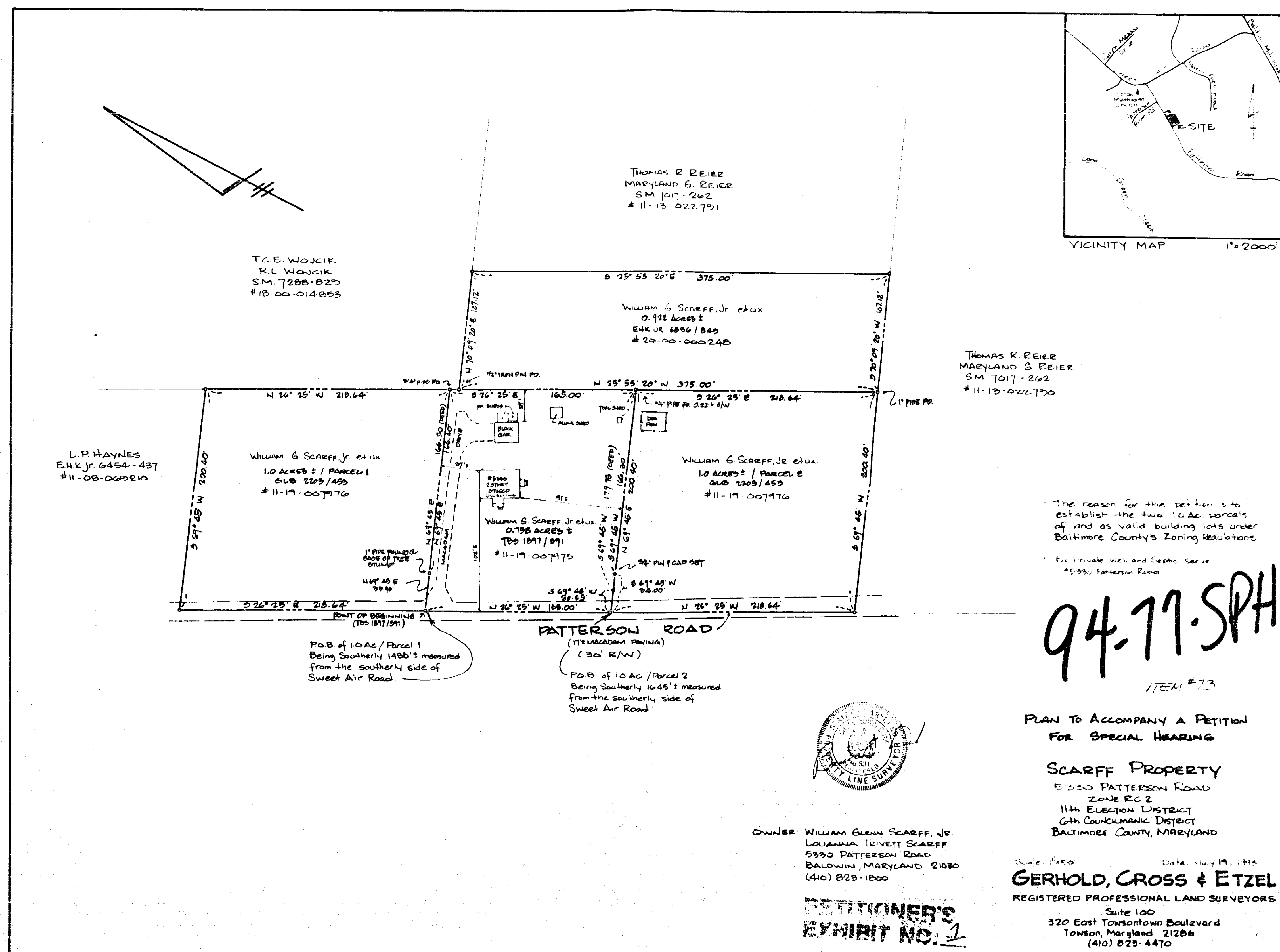
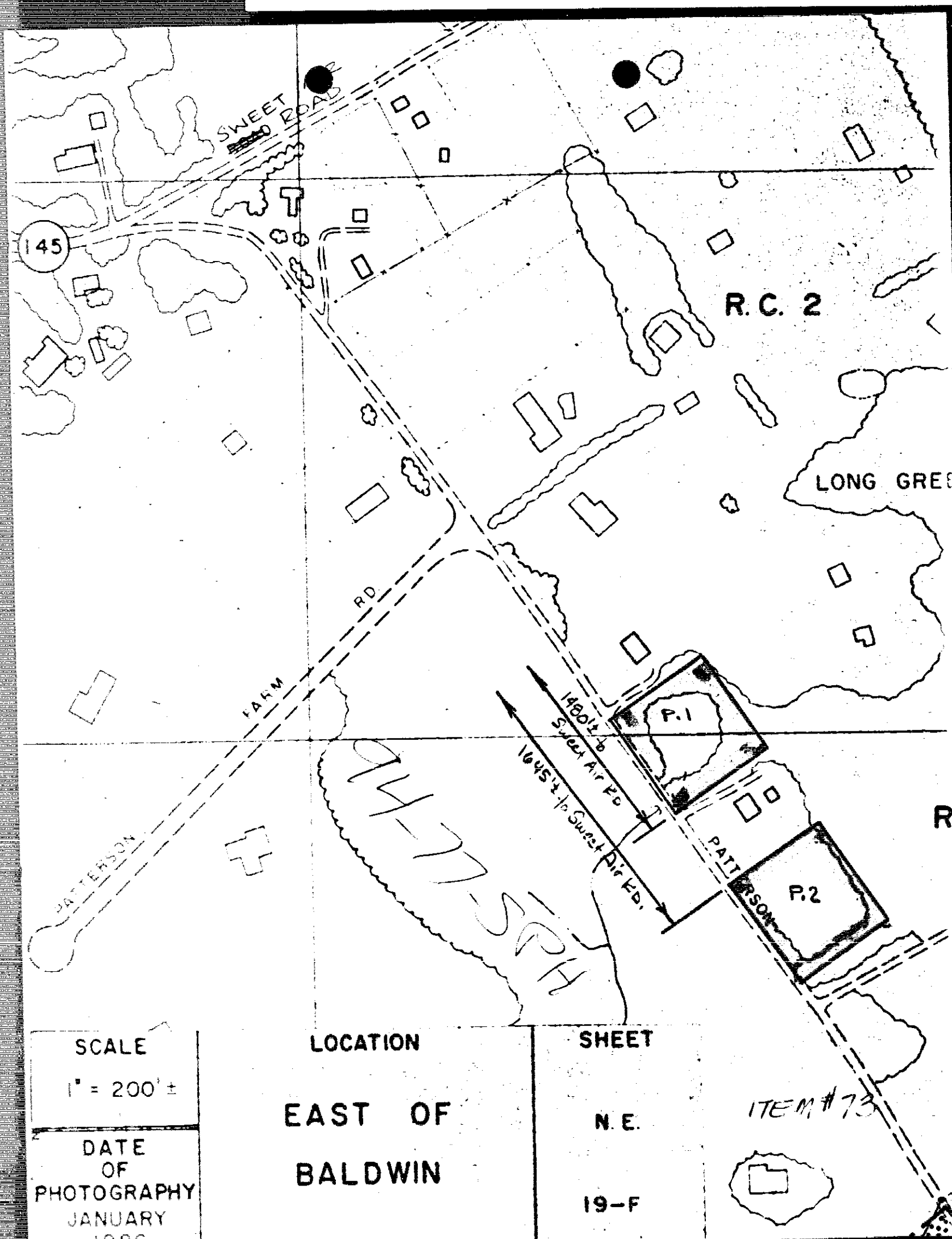
*Arnold Jablon*  
ARNOLD JABLON, DIRECTOR

For newspaper advertising:  
Item No. 73  
Petitioner: Mark Scarff, PR of the Est. of William G. Scarff  
5330  
Location: Patterson Rd., Baltimore County, MD  
PLEASE FORWARD ADVERTISING BILL TO:  
NAME: Keith Truffer  
ADDRESS: Suite 600, 102 W. Pennsylvania Ave.  
Towson, MD 21204  
PHONE NUMBER: (410) 823-1800

AL:ugh  
(Revised 04/09/91)



~~SECRET~~ SIGN-IN SHEET

[illegible]



THIS DEED, made this 17<sup>th</sup> day of November, in the year nineteen hundred and fifty, by WILLIAM GLENN SCARFF and CHARLOTTE SCARFF, his wife, of Baltimore County, State of Maryland, parties of the first part, Grantors, to WILLIAM GLENN SCARFF, JR., and LOUANNA TRIVETT SCARFF, his wife, parties of the second part, Grantees.

WITNESSETH, that in consideration of the sum of Five (\$5.00) Dollars and other good and valuable considerations, receipt whereof is hereby acknowledged, the said parties of the first part do hereby grant and convey unto the said WILLIAM GLENN SCARFF, JR., and LOUANNA TRIVETT SCARFF, his wife, as tenants by the entireties, their assigns, the survivor of them, and the heirs and assigns of such survivor, in fee simple, all that piece or parcel of ground situate in Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING for the same at a point in the middle of the Patterson Road, which said point is 1430 feet measured southerly along the middle of Patterson Road from the southerly side of Sweet Air Road and which said point is also South 69 degrees 48 minutes West and distance 33.90 feet from a piece of iron pipe driven on the Northeast side of Patterson Road and on the North side of the entrance leading to the dwelling and garage lately erected on the lot now being described and running thence for lines of division through and across the lands of the grantors, magnetically to date: North 69 degrees 48 minutes East 138.50 feet to a stake, thence South 26 degrees 28 minutes East 165.00 feet to a stake, and thence South 69 degrees 48 minutes East 179.75 feet to a stake driven on the Northeast side of the aforesaid Patterson Road, and thence continuing the same line: South 69 degrees 48 minutes West 20.85 feet more to the middle of said road, and thence running thence with and bounding thence North 26 degrees 28 minutes West 138.00 feet to a point in the middle of the road, and thence leaving thence the middle of the road North 69 degrees 48 minutes East 33.90 feet to the place of beginning; and containing 0.758 of an acre of land, more or less, as laid out by Conserville and Superville on September 5th, 1950.

PETITIONER'S  
EXHIBIT NO. 2

LIBER 2205 PAGE 453  
THIS DEED, made this 17<sup>th</sup> day of November, in the year nineteen hundred and fifty-two, by WILLIAM GLENN SCARFF and CHARLOTTE SCARFF, his wife, of Baltimore County, State of Maryland, parties of the first part, Grantors, to WILLIAM GLENN SCARFF, JR., and LOUANNA TRIVETT SCARFF, his wife, parties of the second part, Grantees.

WITNESSETH, that in consideration of the sum of Five (\$5.00) Dollars and other good and valuable considerations, receipt whereof is hereby acknowledged, the said parties of the first part do hereby grant and convey unto the said WILLIAM GLENN SCARFF, JR., and LOUANNA TRIVETT SCARFF, his wife, as tenants by the entireties, their assigns, the survivor of them, and the heirs and assigns of such survivor, in fee simple, all those lots or parcels of ground situate, lying, and being in Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING for the first on the northeast side of Patterson Road at the beginning of the 0.758 acre tract of land which by deed dated November 21, 1950, and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1897, folio 391, was conveyed by William Glenn Scarff, Sr., and wife to William Glenn Scarff, Jr., and wife and running thence with and binding on the first line in said description north 69 degrees 45 minutes east 166.50 ft. to the end of said line, thence leaving the outline of said tract of land for new division lines through the land of said grantors as follows: north 26 degrees 25 minutes west 218.64 ft. to a stake and south 69 degrees 45 minutes west 200.40 ft. to the center of Patterson Road, thence running and binding on the center of Patterson Road south 26 degrees 25 minutes east 218.64 ft. to the beginning of the last line of the land in deed above referred to and thence running with and binding on said line north 69 degrees 45 minutes east 33.90 ft. to the place of beginning.

PETITIONER'S  
EXHIBIT NO. 3

This Deed, made this 17<sup>th</sup> day of November, in the year one thousand nine hundred and eighty-four, by and between WALTER C. MASLAND and HOWARD DOWDLE, JR., Personal Representatives of the Estate of Samuel Masland, Jr., deceased, of the first part, and GLENN W. SCARFF, JR. and LOUANNA SCARFF, his wife, of the second part, Witnesses, That in consideration of the sum of No Consideration the said Parties of the First Part, pursuant to Item Three A of the First Codicil to the Last Will and Testament of Samuel Masland, Jr., do grant and convey to the said Glenn W. Scarff, Jr. and Louanna Scarff, his wife, as tenants by the entireties, their assigns, or unto the survivor of them, his or her personal representatives, heirs and assigns, in fee simple, all that lot of ground situate in Baltimore County, State of Maryland and described as follows, that is to say: BEGINNING FOR THE SAME from the west corner of all that lot of ground described in a deed from Herbert J. East and wife to Samuel Masland dated April 20, 1956 and recorded among the Land Records of Baltimore County in Liber No. 2913, page 100, at the center line of Patterson Road running North 70° 9' 20" East 192.88 feet to the point of beginning, which is marked by a wooden fence post at the intersection of three fences and a one inch iron pipe driven flush with the ground; thence North 25° 55' 20" West 375' to an iron bar; thence North 70° 09' 20" East 107.12 feet; thence South 25° 55' 20" East 375 feet; thence South 70° 09' 20" West 107.12 feet to the point of beginning; containing 0.922 acres. BEING a portion of that lot of ground conveyed by a Deed dated September 29, 1958 and recorded among the Land Records of Baltimore County in Liber No. 3432, page 639 from Helen B. Jackson to Samuel Masland, the decedent referred to herein; he having departed this life and the said Parties of the First Part having been appointed Personal Representatives of the Estate of said deceased by the Orphans' Court of Baltimore County in Estate No. 52446.

STATE DEPARTMENT OF  
ASSESSMENTS & TAXATION  
12/17/84  
PETITIONER'S  
EXHIBIT NO. 4  
TRANSFER TAX NOT REQUIRED  
BALTIMORE COUNTY, MARYLAND  
Notary Public  
JAMES L. LITTLE, Sec. 11-05-14

APR-21-93 WED 11:42  
Baltimore Co. Office Bldg.  
111 West Chesapeake Ave.  
Room 109  
Towson, Md 21204  
March 30, 1993  
Attn: Mr. Arnold Jablon  
Director of Z.A.D.M.  
Dear Mr. Jablon,  
On March 15th 1993 I entered into a contract to purchase a 1 acre lot on Patterson Rd in Baltimore Co. known as Parcel 153 Tax Map 44. The parcel was created on November 7th 1952 qualifying it as a building lot under current law. However in an effort to expedite the processing of my building permit once I close, I am respectfully requesting a letter from your department indicating the validity of the lot which I can attach with the permit.  
I have enclosed the following to aid you with the review:  
1. Tax Map parcel marked in green.  
2. Subject deed  
3. Deed plat  
4. \$40 review fee  
If I can provide you with any additional information, a member of your staff can reach me during the day at 1-410-242-7917.  
Very Truly Yours  
Steven H. Gudeman

SHG/tgh

PETITIONER'S  
EXHIBIT NO. 5

May 11, 1993

Mr. Arnold Jablon  
Director of Z.A.D.M.  
Baltimore County Office Building  
111 West Chesapeake Avenue  
Room 109  
Towson, Maryland 21204

Dear Mr. Jablon:

I represent the estate of William Glenn Scarff, Jr., who died on November 3, 1992. Prior to his death, Mr. Scarff owned four parcels of property on Patterson Road in Baltimore County. The property is currently zoned RC-2. A plat of the property is enclosed.

The estate has contracted to sell two of the parcels identified as "Parcel 1, 1.0 acres" and the centermost improved parcel of .758 acres to Mr. Steven Gudeman. The remaining parcels are under contract of sale to another buyer.

The .758 acre parcel was created by Deed dated November 18, 1950. It is improved by a small residence and several outbuildings. The 1.0 acre parcel ("Parcel 1") was created by Deed dated November 7, 1952. It is unimproved. As to the two remaining parcels, the 1.0 acre ("Parcel 2") was also created by the Deed dated November 7, 1952; the back parcel of .922 acre was acquired by Mr. Scarff on November 27, 1984. Both of these parcels are unimproved. Mr. Scarff held all of these properties until his death. A copy of each of the deeds for all four parcels is enclosed.

On March 30, 1993, Mr. Gudeman requested a letter from your office indicating that the 1.0 acre lot, "Parcel 1," is a valid building lot. You referred the matter to Ms. Kate Milton for review and response.

Although Mr. Gudeman's request applied only to Parcel 1, the arguments are equally applicable to Parcel 2, and this parcel should also be considered as part of this request.

PETITIONER'S  
EXHIBIT NO. 6

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, MD 21204  
May 20, 1993  
(410) 887-3353  
Keith R. Truffer, Esquire  
Royston, Mueller, McLean & Reid  
The Royston Building, Suite 600  
102 West Pennsylvania Avenue  
Towson, MD 21204-4575  
RE: Scarff Property  
NE/S Patterson Road, SE Patterson  
Farm Road  
Zoning: R.C.-2  
District: 11C3

Dear Mr. Truffer:

Thank you for your letter on behalf of the Scarff Estate as suggested by Mr. Milton and Mr. Richards in this office. Reference is also made to a letter from Mr. Steven Gudeman dated March 30, 1993 with regard to Parcel #1, which he has contracted to purchase. Subsequently, Mr. Milton was researching the property and was requested to withhold a response. This letter will address the three front parcels, inclusive of Mr. Gudeman's request. The four parcels on the attached plan are as follows:  
A. 0.758 Acres - Improved - TBS 1897/391 - Deed 1950  
B. 1.0 Acre - Vacant - GLB 2205/453 - Deed 1952 (Parcel #1)  
C. 1.0 Acre - Vacant - GLB 2205/453 - Deed 1952 (Parcel #2) (dog pen)  
D. 0.922 Acre - Vacant - EHK Jr 6836/843 - Deed 1984 (back parcel)

You have requested that this office confirm that both one acre parcels "B" and "C" are valid building lots. As suggested by this office, if the middle 0.75 acre parcel "A" was reconfigured to include a portion of or combined with the back parcel to meet the minimum lot size, the front three parcels would be separately confirmed as building lots.

A review of the four parcels and deeds submitted indicates that, with the exception of the 0.922 acre parcel acquired in 1984, it is clear that the two one acre parcels and the 0.758 acre parcel were in the past and now are valid separate lots of record for the purpose of determining R.C.-2 density compliance. As stated above, if all parcels contained the current one acre minimum lot size, the zoning review would stop there. However, assuming that these parcels were not included on a plan or subdivision plat approved by the Planning Board or Planning Commission (Section 103.3, BCZR), and considering the contiguous ownership, the key to determining separate zoning compliance for each parcel is the middle 0.758 acre parcel. This parcel by itself would obviously be undersized (less than the current required one acre minimum lot size), although improved and valid by recorded description and

PETITIONER'S  
EXHIBIT NO. 7